REMARKS

The present amendment is provided in response to the Office Action dated November 10, 2005.

Specification:

The specification has been amended to update the "Cross-References to Related Applications" to include the serial numbers of those applications. Applicants respectfully submit that no new matter has been added.

Claims:

Allowable Claims:

The Examiner indicated that Claims 2, 4-6, 8, 10-12, 14, and 16-18 were objected to 1) because of the sub-numbering of the claims, and the claim references to the sub-numbered paragraphs, and 2) the claims "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Accordingly, Claims 2, 4-6, 8, 10-12, 14, and 16-18 have been cancelled and rewritten as Claims 19-30, incorporating in the new independent claims all of the limitations of the base claims. The only changes to the claims are the elimination of the sub-numbering and sub-numbering references, and changes to the order of the limitations of the base claims and the dependent claims in the new independent claims.

Applicants therefore respectfully submit that Claims 19-30 are now in condition for allowance, and respectfully request allowance thereof.

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<u>35 USC 102</u>:

The Examiner rejected Claims 1, 3, 7, 9, 13 and 15 under 35 U.S.C. 102(b) as being anticipated by Asamizuya (USPN 5,793,412).

The Examiner also objected to the claims because of the sub-numbering as above.

Claims 1, 3, 7, 9, 13 and 15 have been rewritten as Claims 31-36 to eliminate the sub-numbering, to incorporate part of allowable Claims 2, 8, and 14, and to provide the transfer process, for example, as discussed at page 12, lines 1-24.

As an example, Claim 1, now Claim 31, recites a "method for organizing and storing data comprising the steps of: receiving a block of data from a data source at a first data storage site; maintaining addressing information in a tree data structure for said block of data; <u>determining a storage device address to store said block of data; determining a logical block address within said storage device address to store said block of data; in response to said logical block address existing in said tree data structure, overwriting an existing block of data with said block of data at said logical address</u>; in response to said block of data not being a final block of data of a group of data, returning to the step of receiving a block of data; and <u>transferring the final block for each specific address of said group of data to a second data storage site, in accordance with said tree data structure to allow storing said blocks to actual addresses at said second data storage site</u>." (Emphasis added).

Claims 31, 33, 35, and the claims that depend therefrom, are submitted to patentably define over Asamizuya, which comprises a video system which sends a sequential stream of data, and all data is played back in order. Only the lengths of the data and data rates are varied. <u>No tree data structure</u> is provided or suggested.

In contrast, Applicants are focused on providing most recently updated data (by overwriting), providing a tree data structure for accessing the data so the data may be

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updated, and transferring the data so that the data will be stored in accordance with the tree data structure, without requirement of a sequential relationship.

Applicants therefore respectfully submit that Claims 1, 3, 7, 9, 13 and 15, now Claims 31-36, patentably define over Asamizuya under 35 U.S.C. 102(a), and respectfully request allowance thereof.
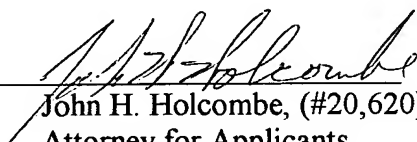
Additional Art:

The Examiner has additionally cited the following patents, which, as best understood, do not anticipate, either singly, or in combination, Applicants Claims 19-36. The cited patents are USPN 6,651,074, Taylor; and USPN 6,564,219, Lee et al.

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Appl. No.: 10/618,242
Amdt. Dated: December 16, 2005
Reply to Office action of: 11/10/2005

Summary:

Applicants have updated the specification to reflect the serial numbers of the "Cross-References to Related Applications". Applicants have rewritten the claims to eliminate the sub-numbering and sub-numbering references. Applicants have rewritten allowable Claims 2, 4-6, 8, 10-12, 14, and 16-18 as Claims 19-30, incorporating in the new independent claims all of the limitations of the base claims, and changed the order of the limitations of the base claims and the dependent claims in the new independent claims. Applicants have further rewritten Claims 1, 3, 7, 9, 13 and 15 as Claims 31-36, and respectfully submit that Claims 31-36 are also allowable over Asamizuya under 35 U.S.C. 102(a), and respectfully request allowance thereof.

Respectfully submitted,
K. W. Boyd et al.

By: _____
John H. Holcombe, (#20,620)
Attorney for Applicants
From: IBM Corporation
       Intellectual Property Law
       8987 E. Tanque Verde Rd. #309-374
       Tucson, AZ 85749
Telephone: (520) 760-6629

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